

REMARKS

Applicants respectfully request that the above-identified application be re-examined.

The August 9, 2005, Office Action ("Office Action") in the above-identified application objected to the title as being not descriptive since, as a result of a restriction requirement, the only claims remaining in this application are method claims. In response, applicants have amended the title to eliminate the words "and apparatus." As a result, the title now focuses on the method to which the claims are directed.

The Office Action also rejected Claims 7, 9, and 12 under 35 U.S.C. § 112. It appears that the Office Action intended to reject Claims 7, 8, and 9 under 35 U.S.C. § 112, since Claims 7 and 8 include the language "an alternate authentication request," and Claim 9, line 3, includes the language "said account identification container." Based on the understanding that the Office Action intended to reject Claims 7, 8, and 9 under 35 U.S.C. § 112, as suggested in the Office Action, Claims 7, 8, and 9 have been made dependent upon Claim 3. As a result of this change in dependency and the addition of the word "also" to Claims 7 and 8, applicants respectfully submit that Claims 7, 8, and 9 are in compliance with 35 U.S.C. § 112 and, as a result, this rejection has been rendered moot.

The Office Action also rejected independent Claim 2 and dependent Claim 10 under 35 U.S.C. § 102(e) as being fully anticipated by the teachings of U.S. Patent No. 6,119,105 (Williams). Dependent Claims 3-9 and 11-12, the only additional claims remaining in this application, were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of the teachings of Williams. For the reasons hereinafter set forth, applicants respectfully disagree with this rejection. In addition to the amendments described above, minor clarifying amendments have been made to independent Claim 2 and dependent Claim 3.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

Prior to discussing in detail why applicants believe that all the claims in this application are allowable, a brief description of applicants' invention and a brief description of the teachings of Williams are provided. The following discussions of applicants' invention and Williams are not provided to define the scope or interpretation of any of the claims of this application. Instead, these discussions are provided to help the U.S. Patent and Trademark Office better appreciate important claim distinctions.

The Invention

The present application discloses a virtual payment system for ordering and paying for goods, services, and contents over an internetwork. Buyers and sellers have their **computers** registered, preferably using a digital certificate. Computers, particularly buyer computers, include any type of computing device suitable for use in the ordering and paying for goods, services, and content, e.g., personal computers, laptop computers, PDAs, etc. Because the computers are registered, the virtual payment system is a secured closed system. A buyer computer becomes registered by associating the buyer computer with a virtual payment account. Registration begins by a buyer applying for a virtual payment account. When a buyer applies for a virtual payment account, a credit processor evaluates the buyer's application and assigns a credit limit to the resulting virtual payment account. Once a virtual payment account is established, a digital certificate is stored on the registered buyer's computer. The digital certificate (or other stored registration indication) associates the buyer computer with the virtual payment account.

In one exemplary form, the invention is directed to a method of purchasing a product from a seller computer using a virtual payment account. The method comprises receiving a request from a buyer computer to purchase a product from a seller computer using a virtual payment account. In response to the purchase request, the method determines whether the buyer

computer is associated with the virtual payment account. In response to determining that the buyer computer is associated with the virtual payment account, a cost of the product is applied to the virtual payment account and the product is provided to a buyer associated with the buyer computer. Products can be goods, services, or content.

One of the major differences between the present invention and Williams is the difference between registered computers and registered buyers. In the past, buyers, not computers, have been registered. The claims of the present application bring out this important, but somewhat subtle, difference.

U.S. Patent No. 6,119,105 (Williams)

According to its title, Williams is directed to a system, method, and article of manufacture for initiation of software distribution from a point of certificate creation utilizing extensible, flexible architecture. More specifically, Williams purportedly discloses the secure transmission of data between a plurality of computer systems over a public communications system, such as the Internet. The secure transmission of data is allegedly provided from a customer computer system to a merchant computer system. The secure transmission of payment information regarding a payment instrument for the merchant computer to a payment gateway computer system is also allegedly provided. The payment gateway system evaluates the payment information and returns a level of authorization of credit by a secure transmission to the merchant, which is communicated to the customer by the merchant. The merchant can then determine whether to accept the payment instrument tendered or deny credit and require another payment instrument.

As best applicants have been able to determine, as discussed more fully below, Williams does not disclose or suggest a system wherein buyer computers are registered, i.e., associated with a virtual payment account.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

Argument

Claim 2, as amended, reads as follows:

2. A method for purchasing a product from a seller computer using a virtual payment account, comprising:
receiving a request from a buyer computer to purchase a product from a seller computer using a virtual payment account;
in response to said purchase request, **determining whether said buyer computer is associated with said virtual payment account;**
in response to determining that said buyer computer is associated with said virtual payment account, applying a cost of said product to said virtual payment account; and
providing said product to a buyer associated with said buyer computer.
(Emphasis added.)

As highlighted above, Claim 2 clearly recites determining whether a buyer computer is associated with a virtual payment account. As noted above, applicants have been unable to find where Williams discloses or suggests associating a buyer computer with a virtual payment account. In this regard, comments associated with the rejection of Claims 2 and 10 under 35 U.S.C. § 102(e) and Claims 3-9 and 11-12 under 35 U.S.C. 103(a) state that this subject matter (i.e., associating a buyer computer with a virtual payment account) is disclosed in Figure 17 and the related description that begins at Col. 42, line 65. Applicants have carefully reviewed this portion of Williams and have been unable to find any teaching or suggestion of registering or associating buyer computers with virtual payment accounts. As a result, applicants respectfully submit that Claim 2 and all the claims dependent therefrom remaining in this application (3-12) are clearly allowable in view of the teachings of Williams.

Applicants further submit that many of the claims dependent from Claim 2 are allowable for reasons in addition to the reasons why Claim 2 is allowable. For example, Claim 3 recites that determining whether the buyer computer is associated with the virtual payment account comprises transmitting an authentication request from the buyer computer to a commerce gateway,

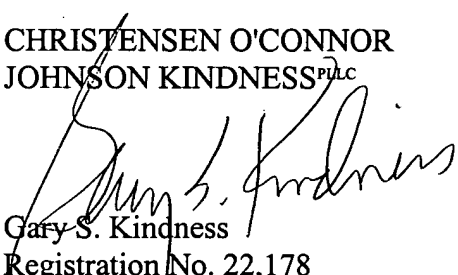
LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{LLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

determining at the commerce gateway whether the virtual payment account is associated with the buyer computer, and transmitting an account identification container to the buyer computer in response to determining that the buyer computer is associated with a virtual payment account. As best applicants have been able to determine, this subject matter is not taught or even remotely suggested by Williams. Claims 7 and 8, which now depend from Claim 3, include additional recitations related to determining whether a buyer computer is associated with a virtual payment account that are also not taught or even remotely suggested by Williams, particularly when considered in combination with the subject matter of Claims 3 and 2, the claims from which these claims depend.

In summary, applicants respectfully submit that the cited and applied reference, i.e., Williams, clearly does not teach or remotely suggest the subject matter recited in the claims remaining in this application. Consequently, early and favorable action allowing these claims and passing this application to issue is respectfully solicited.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Gary S. Kindness
Registration No. 22,178
Direct Dial No. 206.695.1702

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date:

Dec 9, 2005

GSK:nfs



LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100